

REMARKS

Claims 1-11, 14, and 16-20 were pending in the Application as of the Office Action of April 22, 2010. Claim 1 is amended with this Response. Claims 21-23 are respectfully added. An RCE entering this Response is respectfully submitted herewith. An Interview Summary and the Examiner's rejections will now be respectfully addressed in turn.

Interview Summary

Applicant respectfully thanks the Examiner for agreeing to discuss the Application and rejections with Applicant's Representation. Applicant respectfully notes that, per the Examiner's suggestion during the Interview, claim 1 has been amended to recite "directly connected" as opposed to "secured relative."

Rejections under 35 U.S.C. §103(a)

Claims 1-6, 8-12, 14, 16, and 18 have been rejected under 35 U.S.C. §103(a) as being obvious over United States Patent No. 3,055,523 to Wurn ("Wurn" hereinafter) in view of United States Patent No. 2,653,679 to Hamilton ("Hamilton" hereinafter) and BE 1012085 to Vervaeke ("Vervaeke" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's claim 1 recites *inter alia*,

“wherein one end of the flexible linkage is directly connected to the sub-frame, and another end of the linkage is also directly connected to the sub-frame.”

Applicant respectfully asserts that none of Wurn, Hamilton, and Vervaeke, taken alone or in combination, teach a flexible linkage that is directly connected to a sub-frame at two ends. On the contrary, the flexible linkage 30 of Wurn (which the Examiner uses to teach the attached flexible linkage cord of Applicant’s claims—see page 3, bullet 2 of the Office Action) is attached to the bearing carriage 21 at at least one end (see Figure 1), and is certainly not attached to the sub-frame 1 at two ends.

Furthermore, Hamilton and Vervaeke fail to remedy the deficiencies of Wurn in that Hamilton teaches a chain 8 that is not attached to the sub-frame at two ends, and Vervaeke merely teaches a single end of a cable to be attached to a sub-frame (9a, 9b, 11). Accordingly, the motor (13) is operable to move the cable to thereby retract the mobile element 9a of the sub-frame (9a, 9b, 11) against gravity and allow the mobile element 9a to be extended under the force of gravity.

All three of these references are in contrast to Applicant’s disclosure, which describes two separate ends of the flexible linkage (77) both attached to the sub-frame (22) such that the motor (70) is operable to move the linkage (77) to thereby actively extend the foot portion (47) of the sub-frame (22) without reliance on gravity. In this manner, benefit is provided via a traveling up stairs by actively extending the foot portion (47) of the sub-frame (22) to elevate the wheels (62, 63) to a higher step, which cannot achieve by the above-discussed references.

Basis for the above amendments can be found at least at page 12, lines 7-20 and Figures 3-4 of Applicant’s Specification.

For at least the above reasons, Applicant respectfully asserts that the proposed combination of Wurn, Hamilton, and Vervaeke does not teach every element of Applicant’s claims. Accordingly, Applicant further and respectfully asserts that *prima*

facie obviousness does not exist with regards to claims 1-6, 8-12, 14, 16, and 18 in view of the proposed combination of Wurn and Hamilton.

With specific regards to claim 14, Applicant respectfully submits that none of the above references teach or suggest a flexible linkage to be trained around a rotatable member that is driven either directly or indirectly by the motor, and is also trained around another rotatable member secured to the main frame.

Claims 7 has been rejected under 35 U.S.C. §103(a) as being obvious over Wurn in view of Hamilton, Vervaeke, and United States Patent No. 3,968,974 to Wetzel. Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant respectfully notes that claim 7 depends from claim 1. As such for at least the reasons set forth above, claim 7 is not *prima facie* obvious over the proposed combination of Wurn, Hamilton, and Vervaeke. As Wetzel does not remedy the deficiencies of Wurn, Hamilton, and Vervaeke the proposed combination of Wurn, Hamilton, Vervaeke, and Wetzel does not teach every element of Applicant's claim 7. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claim 7 with respect to the proposed combination of Wurn, Hamilton, Vervaeke, and Wetzel. Since the proposed combination of Wurn, Hamilton, Vervaeke, and Wetzel fails to teach or suggest all of the limitations of claims Wurn, Hamilton, Vervaeke, and Wetzel, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, or a reasonable likelihood of

success in forming the claimed invention by modifying. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claim 17 has been rejected under 35 U.S.C. §103(a) as being obvious over Wurn in view of Hamilton, Vervaeke, and United States Patent No. 7,457,727 to Tolly. Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant respectfully notes that claim 17 depends from claim 1. As such for at least the reasons set forth above, claim 14 is not *prima facie* obvious over the proposed combination of Wurn, Hamilton and Vervaeke. As Tolly does not remedy the deficiencies of Wurn, Hamilton and Vervaeke, and does not teach a take up of slack in a flexible linkage (on the contrary, at column 7, lines 25-45 Tolly teaches a biasing means against a loaded platform 106), the proposed combination of Wurn, Hamilton, Vervaeke, and Tolly does not teach every element of Applicant's claim 17. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claim 17 with respect to the proposed combination of Wurn, Hamilton, Vervaeke, and Tolly. Since the proposed combination of Wurn, Hamilton, Vervaeke, and Tolly fails to teach or suggest all of the limitations of claims Wurn, Hamilton, Vervaeke, and Tolly, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, or a reasonable likelihood of success in forming the claimed invention by modifying. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claims 19 and 20 have been rejected under 35 U.S.C. §103(a) as being obvious over Wurn in view of Hamilton, Vervaeke, and United States Patent No. 7,002,083 to Simmons. Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant respectfully notes that claims 19 and 20 depend from claim 1. As such for at least the reasons set forth above, claims 19 and 20 are not *prima facie* obvious over the proposed combination of Wurn, Hamilton, and Vervaeke. As Simmons does not remedy the deficiencies of Wurn, Hamilton, and Vervaeke, the proposed combination of Wurn, Hamilton, Vervaeke and Simmons does not teach every element of Applicant's claims 19 and 20. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 19 and 20 with respect to the proposed combination of Wurn, Hamilton, Vervaeke and Simmons. Since the proposed combination of Wurn, Hamilton, Vervaeke and Simmons fails to teach or suggest all of the limitations of claims Wurn, Hamilton, Vervaeke and Simmons, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, or a reasonable likelihood of success in forming the claimed invention by modifying. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Conclusion

Applicant believes that all of the outstanding objections and rejections have been addressed herein and are now overcome. Entry and consideration hereof and issuance of a Notice of Allowance are respectfully requested.

Applicant hereby petitions for any extension of time under 37 C.F.R. 1.136(a) or 1.136(b) that may be necessary for entry and consideration of the present Reply.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Office is invited to contact applicant's attorneys at the below-listed telephone number concerning this Amendment or otherwise regarding the present application.

Respectfully submitted,

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